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OFFICE OF PETITIONS

In re Patent No. 6,893,665	:	DECISION ON
Lawter, et al.	:	PATENT TERM ADJUSTMENT
Issue Date: May 17, 2005	:	AND
Application No. 10/007,197	:	NOTICE OF INTENT
Filed: December 4, 2001	:	TO ISSUE
Attorney Docket No. 500476/024004	:	CERTIFICATE OF CORRECTION

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705", filed July 20, 2005. Patentee requests that the patent term adjustment indicated on the patent be corrected from zero (0) days to seventy-one (71) days.

The petition is **GRANTED**.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **seventy-one (71) days**.

On May 17, 2005, the above-identified application matured into U.S. Patent No. 6,893,665. The instant request for reconsideration filed July 20, 2005 was timely filed.¹ See § 1.705(d). The Patent issued with a Patent Term Adjustment of zero (0) days. Patentees state that the determination of patent term adjustment days should not have been assessed applicant delay of one hundred twenty (120) days for responding to an August 11, 2004 Notice of Allowance on November 12, 2004.

¹ The request for reconsideration contained a Certificate of Mailing dated July 18, 2005. July 17, 2005 fell on a Sunday. See 37 C.F.R. § 1.7(a).

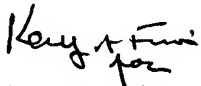
Applicants were assessed one hundred twenty (120) days of delay for the paper titled "REPLY TO NOTICE OF ALLOWANCE", in which applicants included a change of correspondence address. The adjustment of one hundred twenty (120) days for the filing of this paper has been found to be incorrect.² Accordingly, applicant delay with respect to this filing should have been zero (0) days.

In view thereof, the correct determination of PTA at the time of issuance is seventy (70) days (164 (55+66+43) days of PTO delay, reduced by 93 (1+1+91) days of applicant delay).

Receipt of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 C.F.R. § 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **seventy-one (71)** days subject to any disclaimers.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enc: draft certificate of correction

² See Clarification of 37 CFR 1.704(c)(10) - Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed, 1247 Off. Gaz. 111 (June 26, 2001).